

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #3	CCRB Case #: 201801931	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/03/2018 4:21 AM	Location of Incident: § 87(2)(b)	Precinct: 105	18 Mo. SOL 9/3/2019	EO SOL 9/3/2019	
Date/Time CV Reported Sun, 03/04/2018 12:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/12/2018 11:04 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Philip Politis	05778	942372	105 PCT
2. LT Brian Andruszkiewicz	00000	937984	105 PCT
3. POM Charles Mammarella	01861	938924	105 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Robert Fuchsman	20091	925323	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Charles Mammarella	Abuse: Police Officer Charles Mammarella forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B.POM Philip Politis	Abuse: Police Officer Philip Politis forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
C.LT Brian Andruszkiewicz	Abuse: Lieutenant Brian Andruszkiewicz forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

Case Summary

On March 4, 2018, § 87(2)(b) filed this complaint over the phone with the Internal Affairs Bureau. It was referred to the CCRB, and received on March 12, 2018, under log number 18-9031. This case was originally closed on July 31, 2018. § 87(2)(b) requested that the investigation be re-opened and offered to provide access to her medical records, which she had originally refused to do. The case was reopened on December 6, 2018.

On March 3, 2018, at approximately 4:21 a.m., § 87(2)(b) was in her home, located on the § 87(2)(b), in Queens. She called 911 because her brother, § 87(2)(b) who lives with her, was harassing her. Four officers from the 105th Precinct responded to the scene: PO Philip Politis, Lt. Brian Andruszkiewicz, PO Robert Fuchsman, and PO Charles Mammarella. The officers spoke with § 87(2)(b) and then called an ambulance to take her to the hospital for psychiatric treatment (**Allegations A, B, and C – Abuse of Authority:** § 87(2)(g) § 87(2)(b) was taken to § 87(2)(b) Hospital, and released a short time later.

There was no video footage of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: PO Charles Mammarella forcibly removed § 87(2)(b) to the hospital.

Allegation (B) Abuse of Authority: PO Philip Politis forcibly removed § 87(2)(b) to the hospital.

Allegation (C) Abuse of Authority: Lt. Brian Andruszkiewicz forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) (Board Review 01) stated that, on the date of the incident, § 87(2)(b) was repeatedly exiting and entering their apartment, and raised his voice to her, so she called the police. When the officers arrived, they spoke to § 87(2)(b) and she told them about § 87(2)(b). Eventually, the officers placed § 87(2)(b) in handcuffs and brought her outside to an ambulance. § 87(2)(b) was brought to § 87(2)(b) Hospital, where she received § 87(2)(b). § 87(2)(b) denied that she had any psychiatric problems.

§ 87(2)(b) provided a phone statement to the CCRB, in which he stated that he had no recollection of the incident (Board Review 14).

§ 87(2)(b)'s medical records state that she was agitated and shouting when EMS arrived on scene, and note that she had been repeatedly calling 911. When brought to the hospital, § 87(2)(b) required sedation because she was yelling at hospital staff. § 87(2)(b)

PO Mammarella (Board Review 02) stated that they responded to the location after § 87(2)(b) repeatedly called 911 to report a dispute. When he and PO Politis arrived, they found that § 87(2)(b) had been locked out of the apartment and § 87(2)(b) was refusing to let him back in. The officers spoke with § 87(2)(b) through the window, and she eventually let the officers into the apartment and spoke to them inside. § 87(2)(b) appeared to be highly intoxicated, as she had bloodshot eyes and she was irate and agitated. She was shouting at § 87(2)(b) and saying that she would kill him. PO Mammarella believed that § 87(2)(b) was emotionally disturbed because of her highly agitated state, and her threats to § 87(2)(b) and so he called for a supervisor and EMS. After EMS arrived and assessed § 87(2)(b) they

determined that she needed to be brought to the hospital for psychiatric care. PO Mammarella did not know how exactly the EMTs came to this determination.

PO Politis (Board Review 03), PO Fuchsman (Board Review 04) and Lt. Andruszkiewicz (Board Review 05) provided testimony that was mostly consistent with PO Mammarella's. While none of them repeated PO Mammarella's statements about § 87(2)(b) making threats against § 87(2)(b) they all repeated that EMTs spoke to § 87(2)(b) and determined that she needed to be brought to a hospital for psychiatric care.

The event related to this incident shows that § 87(2)(b) called 911 twelve times on the day of the incident to report § 87(2)(b) 'harassing' her, although she never reported any crimes occurring (Board Review 06).

Under the provisions of Patrol Guide Procedure 221-13 (Board Review 07), when an individual is emotionally disturbed and poses a threat to themselves or others, officers should take steps to remove them to a hospital for psychiatric care. Additionally, Patrol Guide Procedure 216-01 instructs officers to cooperate with ambulance personnel in every reasonable manner (Board Review 16).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 08).
- PO Politis has been a member-of-service for 12 years and has been a subject in three CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)
- PO Mammarella has been a member-of-service for 13 years and has been a subject in four CCRB complaints and five allegations, none of which were substantiated. PO § 87(2)(g)
- Lt. Andruszkiewicz has been a member-of-service for 13 years and has been a subject in two CCRB complaints and four allegations, of which three were substantiated (Board Review 11):
 - 201200639 involved substantiated allegations of a frisk, search of a person, and a stop against Lt. Andruszkiewicz. The Board recommended charges, and the NYPD imposed instructions for the frisk allegation, and took no disciplinary action on the other allegations.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 12).
- A search for any related Notice of Claim was sent to the New York City Comptroller's Office on March 5, 2019. There has been no response as of the date of this report (Board Review 13).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date